

January 10, 2007

Mr. Vincent Oliveri
International Federation of Professional and Technical Engineers
(IFPTE Local 17)
2900 Eastlake Avenue East, Suite 300
Seattle, WA 98102

RE: Mario Mathisen v. Department of Transportation
Allocation Review Request 06AL0032

Dear Mr. Oliveri,

On October 4, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Mario Mathisen's position. Present at the Director's review meeting were you and Mr. Mathisen; Niki Pavlicek, Classification and Compensation Manager for the Department of Transportation; Bonnie Nau, Construction Traffic Manager and Mr. Mathisen's supervisor; and Northwest Regional Traffic Engineer, Mark Leth.

Background

On January 12, 2005, Mr. Mathisen submitted a classification questionnaire (CQ) to the Office of Human Resources (OHR) in DOT's Northwest Region, requesting that his position #1-1019 be reallocated from a Transportation Engineer 3 (TE 3) to a Transportation Engineer 4 (TE 4). In March 2005, Human Resource Program Manager Donna Burnett conducted a desk audit and concluded Mr. Mathisen's position was properly allocated at the TE 3 level.

After reviewing Ms. Burnett's recommendation, the CQ for position #1-1019, the results of the desk audit, information from Mr. Mathisen's supervisor, and the TE 3 and 4 class specifications, Ms. Pavlicek also concluded Mr. Mathisen's position was correctly allocated to the TE 3 classification. Specifically, Ms. Pavlicek did not believe the duties assigned to Mr. Mathisen's position met the criteria for the TE 4 class because his position did not require registration as a professional engineer and did not qualify as a

technical program specialist. Ms. Pavlicek issued her allocation decision on November 4, 2005.

Summary of Mr. Mathisen's Perspective

Mr. Mathisen contends he meets the definition of the TE 4 classification as a technical program specialist. Mr. Mathisen asserts he was hired to conduct speed studies and ball banking (the study of horizontal curves for placement of signs) and contends he is an expert in areas involving speed studies and pavement markings. Mr. Mathisen asserts he reinstated the Signs Program and also has the increased responsibility of regulating outdoor advertising signs. While Mr. Mathisen acknowledges he is not solely responsible for the traffic system, he states he manages the Northwest Region Traffic Central Operations, which he describes as having many highly specialized programs of major size, scope and impact. Although Mr. Mathisen reports to Bonnie Nau, Construction Traffic Manager, he asserts he runs the Central Operations side of the Traffic Division and contends Ms. Nau handles the Construction portion. As a result, Mr. Mathisen contends he submits work plans for his team, addressing scope, schedule and budget issues, and establishes work standards and trains staff.

In addition, Mr. Mathisen contends that he and his staff make significant contributions to the Northwest Region's striping and signing guidelines, known as the "Red Book," which are incorporated into the WSDOT's Traffic Manual. Mr. Mathisen further contends he has reviewed sections of the traffic manual and manuals related to standard plans and designs and has provided input and made recommendations to Headquarters. Mr. Mathisen asserts that his work coordinating operations regarding speed limits and the signs programs, as well as the expertise he brings to the program, qualifies his position for the TE 4 classification.

Summary of the Department of Transportation's (DOT's) Reasoning

DOT asserts Mr. Mathisen's position does not meet either criterion for inclusion into the TE 4 class because his position does not serve as a registered professional engineer or a technical program specialist. In particular, DOT disagrees that Mr. Mathisen's position meets the technical program specialist level because he does not report to a Transportation Technical Engineer 5 or serve as a manager or assistant manager of a "highly specialized District technical program or function of medium size and scope." Rather, DOT asserts Mr. Mathisen reports to a WMS manager who is responsible for managing two sections of the Central Traffic Section. Consequently, DOT believes Mr. Mathisen's duties more accurately fit those of a "staff specialist" and asserts his position meets the definition of the TE 3 class because he performs advanced engineering work in that capacity.

DOT acknowledges Mr. Mathisen's position is core to traffic, design, and construction, and admits he tracks and schedules expensive projects involving a number of complex issues. However, DOT characterizes Mr. Mathisen as a team leader who supervises other engineers and technicians, while coordinating with other design teams and work groups.

DOT asserts Mr. Mathisen's team performs many elements of data collection, including initial field evaluations like speed measurements. At the same time, DOT recognizes Mr. Mathisen's contributions to the "Red Book" and his methods for organizing the data related to pavement markings and speed studies. DOT acknowledges Mr. Mathisen's position requires some engineering judgment and knowledge of budget allocations but contends higher-level engineering and budgetary decisions involving strategic planning are made at a higher level. Therefore, DOT believes Mr. Mathisen's position is properly allocated to the TE 3 classification.

Director's Determination

This position review was based on the work performed for the six-month period prior to January 12, 2005.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Mathisen's assigned duties and responsibilities, I conclude his position is properly allocated to the Transportation Engineer 3 classification.

Rationale for Determination

In reviewing the CQ submitted for reallocation (exhibit 2), Mr. Mathisen indicates that 50% of his assigned work involves managing the Northwest Region Traffic Central Operation. In the same section, he describes his duties as including "signing, pavement markings, channelization, accident statistics, review of contracts and other items related to traffic engineering in the district." Mr. Mathisen also states he is the Northwest Region's designated representative responsible for reviewing the signing and pavement portions of the Traffic Manual.

However, Mr. Mathisen's supervisor, Bonnie Nau, disagrees that he is the section manager or designated representative. In her written response to the CQ (exhibit 3), Ms. Nau indicates that Mr. Mathisen's position "does not have the region responsibility for reviewing sections of the Traffic Manual pertaining to striping and signing." Instead, she states he has been designated to coordinate the NW Region Traffic comments that pertain to the signing and pavement markings sections of the manual. Ms. Nau further describes Mr. Mathisen's responsibility as supervising the staff in Traffic Central Operations and serving as a resource regarding the various signing programs, which include Motorist Information Signs (MIS), Outdoor Advertising Control (OAC), Speed Studies, and Signing & Striping PS&E reviews.

Although Mr. Mathisen states he is the designated representative regarding signing and pavement markings, Ms. Nau describes his role in the review process as one who researches technical data and provides draft recommendations. During the Director's review meeting, Mr. Leth also characterized Mr. Mathisen's responsibility as being limited to providing input and making recommendations. As the Regional Traffic

Engineer, Mr. Leth ultimately assesses the recommendations and maintains responsibility for the program.

With regard to the duties identified as 20% of Mr. Mathisen's work, he indicates he is responsible for the safety and efficiency of the region's transportation system through traffic engineering studies involving speed and horizontal curves by evaluating speed limits and establishing standards for signing and pavement marking. Again, Ms. Nau disagrees with Mr. Mathisen's characterization and notes that standards are established by Northwest Region Traffic Management and/or Headquarters, not by Mr. Mathisen's position. At the same time, Ms. Nau acknowledges that Mr. Mathisen's position schedules and supervises the staff conducting the studies and that he reviews the information and provides the data to Area Traffic Engineers for consideration. He also coordinates the region's traffic comments for submittal to Headquarters and maintains the striping and paving guidelines in the "Red Book."

Ms. Nau's comments to the CQ and Mr. Leth's statements during the Director's review meeting support DOT's position that Mr. Mathisen's assigned duties and responsibilities, while extremely important to the success of the program, do not reach the management level envisioned by the TE 4 classification. For example, Ms. Nau's comments to the CQ affirm that he evaluates data, makes recommendations, and coordinates and supervises the signing work, but not that he develops and sets work standards or coordinates operational activities for the Northwest Region.

In order to meet the definition of a TE 4 as a Technical Program Specialist, "assignments entail responsibility for a highly specialized District technical program or function of medium size and scope," or incumbents serve in a similar capacity as a statewide specialist for Headquarters. The definition further notes that incumbents report to a Transportation Engineer, Technical Engineer, or Planning Specialist at a level 5 or above, and the distinguishing characteristics describe assignments as having significant scope and complexity. Typically, TE 4 positions serve as an Assistant Manager of a district unit, a Headquarters final reviewer, or an expert in a specialized area of engineering.

There is no doubt the work Mr. Mathisen performs is complex and requires sound engineering judgment. However, complex work is also performed at the TE 3 level as indicated by the definition, which describes the work as "advance transportation engineering work" performed with limited supervision. The distinguishing characteristics of a TE 3 position further note that "incumbents are generally placed in charge of a major project or functional area which is characterized by supervising several support staff . . . or serve as a staff specialist in a complex area of limited scope . . ." They also note that assignments "require judgments in selecting and adapting techniques" and that incumbents may represent the Department at public meetings, as well as having the responsibility for "planning and carrying out projects with only minimal supervision."

Mr. Mathisen's assigned duties, as indicated by his supervisor and the Regional Traffic Engineer, primarily involve supervision of staff in Traffic Central Operations, including staff members actually conducting the studies and collecting data. In addition, Mr.

Mathisen's position serves as a resource for signing and striping and, on occasion, provides input when requested (10%). Those duties are consistent with the definition and distinguishing characteristics at the TE 3 level. Although Mr. Mathisen may understand the nuances of speed studies and ball banking at an expert level, his position has not been designated as an expert. Therefore, the Transportation Engineer 3 classification best describes Mr. Mathisen's position # 1-1019.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons
Director's Review Supervisor

c: Niki Pavlicek, DOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits